

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

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|--------------------------|---|--------------------|
| UNITED STATES OF AMERICA | § | |
| | § | |
| vs. | § | Case No. 4:07cr247 |
| | § | (Judge Crone) |
| BRANDON HARRISON (3) | § | |

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 8, 2013, to determine whether Defendant violated his supervised release.

On November 24, 2008, Defendant was sentenced by the Honorable Marcia A. Crone to sixty (60) months followed by five (5) years of supervised release. Pursuant to an Order Regarding Motion for Sentence Reduction, the sentence was reduced on November 29, 2011, to forty-two (42) months' imprisonment. On February 3, 2012, Defendant completed his period of imprisonment and began service of his supervised term.

On September 30, 2013, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory condition: the defendant shall refrain from any unlawful use of a controlled substance. The petition also asserted the Defendant violated the following standard condition: the defendants shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.

The petition alleges that Defendant committed the following acts: On February 8, February

27, March 21, April 10, August 8, and September 10, 2013, Defendant submitted urine specimens which tested positive for marijuana.

Prior to the Government putting on its case, Defendant entered a plea of true to the violations. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 3rd day of December, 2013.

A handwritten signature in black ink, appearing to read "Amos Mazzant", is written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE